

CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Fax (775) 289-1463

ELY CITY COUNCIL REGULAR MEETING

March 25, 2021 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the regular meeting of the Ely City Council to order at 5:00 P.M.; Pastor James Woffinden offered the invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Ernie Flangas
Councilman Kurt Carson
Councilman Ed Spear
Councilman Jim Alworth
Councilwoman Michelle Beecher

City Officials and staff present in the building or via video conference:

City Treasurer-HR Director Janette Trask
City Attorney Shain Manuele
City Administrative Assistant Patti Cobb
City Fire Chief Pat Stork
Public Works Supervisor Mike Cracraft
Municipal Court Judge Michael Coster (Zoom)

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Marietta Henry, Cameron Gresh, Robert T. Herbert, Ashten Davies, Cody Howick, Shadrach Michaels, Maureen Otzelberger, and Chris Stanko.

Ely City Council – ATTENDANCE LIST

DATE: March 25, 2021

Print name below

DAVID BENNETT
James Woffinden, Rev.
George Chachas
WILLIAM MUELLER
MICHAEL CONCH
Ely

Print name below

2. PUBLIC COMMENT

George Chachas stated on your agenda item B-11 you are to consider possibly giving direction to City staff to respond to neighboring counties regarding establishing mutual aid fire services agreements; this needs to be scratched. The Ely taxpayers pay for the Ely Fire Department, County Fire Stations, and equipment and their concern should be the City of Ely. The County has mutual aid agreements with the neighboring counties and that is where it should stay and end. The Ely Fire Department is not a Nevada Regional Fire Department; there are numerous other State and federal Entities that fill those positions. Mr. Chachas stated ongoing concerns regarding squatters' RVs and if they are billed for City sewer and water; curb/gutter codes not being enforced; and his public information request for the City Personnel Manual.

3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.

Councilman Spear moved to approve the agenda as it reads. Councilman Alworth seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ City Fire Chief Stork

City Fire Chief Stork stated the only thing to add is April 1, 2021 the Ely Fire Department staff will be assisting with a drive through COVID-19 vaccination clinic for anyone 18 and older. The drive through clinic will be held at the White Pine County Fire Station on McGill Highway and will be from 10:00 A.M. to 5:00 P.M. The second clinic to get the second shot will be held on April 29, 2021. The paperwork required can be downloaded and filled out prior from the Economy Drug website to streamline the process. Please spread the word for those wanting to get vaccinated.

➤ Municipal Judge Coster

Municipal Judge Coster stated we have the standard report in the supplemental materials, and I have no comments on that. I wanted to add that we successfully completed the budget process with the help of City Treasurer Trask. We have moved on to a project of looking at old restitution monies that the City is sitting on, some of which predate my time as a judge, to see if we can find the claimants and see if the oldest monies need to be turned over to the State Treasurer because the parties are either deceased or cannot be located.

➤ City Engineer Almberg

City Engineer Almberg stated the NDOT project on Aultman street and Great Basin Highway is going well and the project on Murry Street has started as well.

7. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA.

MOTION: Move to approve the Consent Agenda item 7A-1 Minutes and 7A-2 Bills.

Moved by: Councilman Spear Second by: Councilman Carson Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
 - February 25, 2021
2. Discussion/For Possible Action –Bills.
 - March 09, 2021
 - March 19, 2021

B. NEW BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Acceptance of Great Basin Heritage Area Partnership Grant in the amount of \$20,000.00 for the Ely City Hall Restoration Project, to stabilize and weatherize the exterior of Ely City Hall.

Councilman Spear moved to accept the Great Basin Heritage Area Partnership Grant in the amount of \$20,000.00 for the Ely City Hall Restoration Project. Councilwoman Beecher seconded the motion. The motion carried unanimously.

2. Mayor Robertson – City Fire Chief Stork - Discussion/For Possible Action – Approval to open negotiations with the Ely Shoshone Tribe regarding its Mutual Aid Agreement with the City of Ely Fire Department.

City Fire Chief Stork stated right now we have an agreement with the Tribe to provide their fire and ambulance services. It has been since 2005 an agreement has been signed and at that time it was agreed to provide services for \$6,000.00 a year. Since that time, they have added numerous homes and \$500.00 a month is cheap to provide these services.

Councilman Spear moved to approve open negotiations with the Ely Shoshone Tribe to increase the cost of services regarding its Mutual Aid Agreement with the City of Ely Fire Department to a reasonable rate and set a timeline for re-evaluation of agreement. Councilman Carson seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Approval to donate \$5,000.00 to Nevada Rural Counties RSVP Program, Inc. for services provided in the City of Ely.

Councilman Alworth asked Is this budgeted?

City Treasurer/HR Director Trask stated it was not budgeted this year but could be put on for the upcoming fiscal year. The last donation to the RSVP program was \$2,000.00.

Councilwoman Beecher moved to approve the donation of \$5,000.00 to Nevada Rural Counties RSVP Program, Inc. during the FY 22 budget cycle. Councilman Alworth seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Retroactive approval of updated priority list emailed to the Nevada League of Cities & Municipalities March 23, 2021 for conveyance to the State Legislature and United States Congressional Delegations.

Mayor Robertson stated this list needed to be emailed last week and Councilman Alworth and Councilman Spear helped me with that.

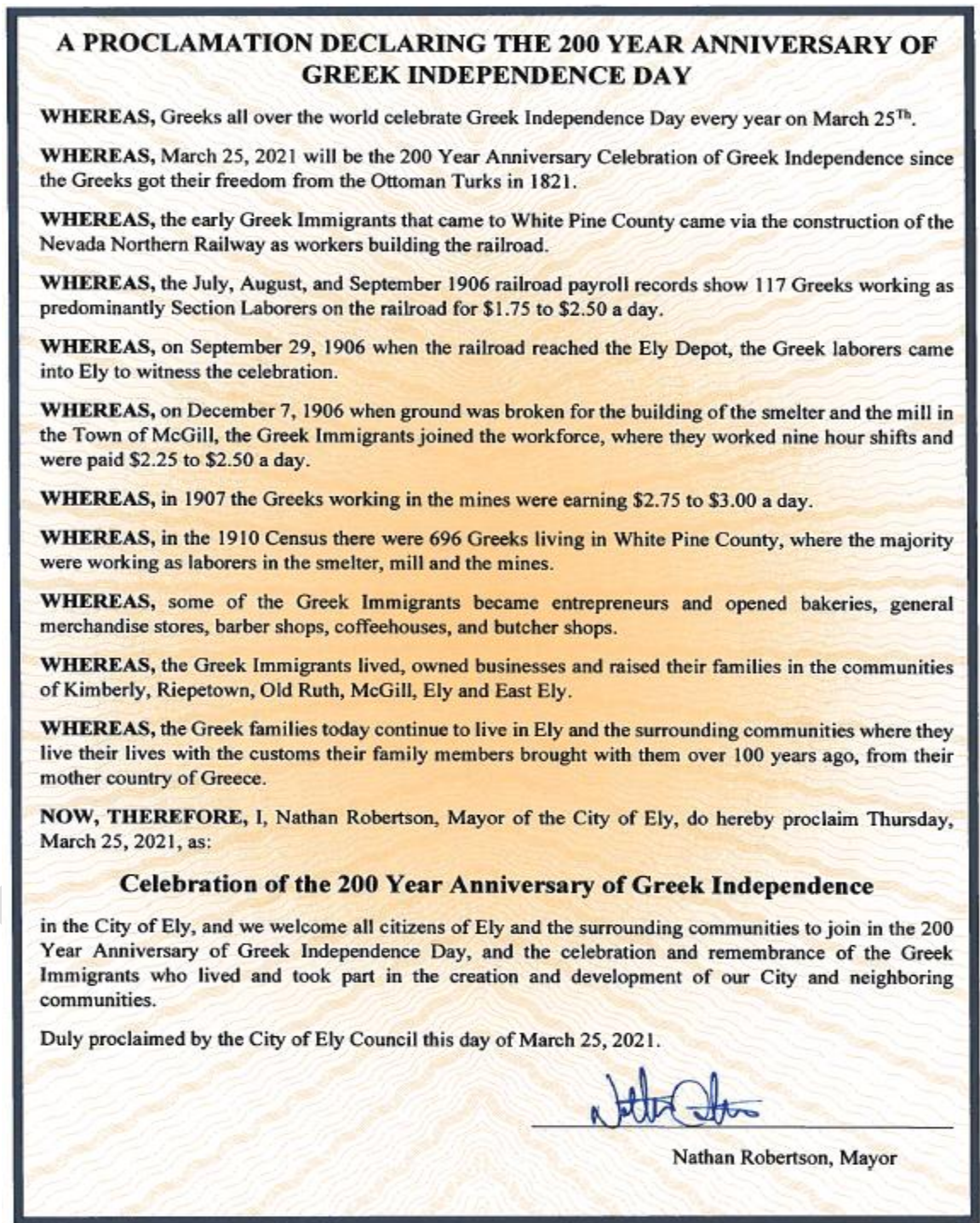
Councilman Alworth asked on item three it states federal support for trades education and support for small businesses start-up dealing in trades. Is this for apprenticeship programs?

Mayor Robertson stated it's for any programs that will support the vocational educational grant such as an electrician, or any small business involving the trade sector.

Councilman Spear moved to retroactively approve the updated priority list emailed to the Nevada League of Cities & Municipalities on March 23, 2021. Councilman Alworth seconded the motion. The motion carried unanimously.

5. Councilman Flangas – Discussion/For Possible Action – Approval of Proclamation Acknowledging March 25, 2021 as the 200th Anniversary of Greek Independence Day in recognition of the Greek immigrants who helped build and develop White Pine County, as well as the United States of America.

Mayor Robertson read the proclamation below into the record.



Councilman Flangas moved to approve a proclamation declaring the 200-year anniversary of Greek Independence Day to be March 25, 2021. Councilwoman Beecher seconded the motion. The motion carried unanimously.

Dave Miller stated I would like to thank the Mayor and the Council. My brothers and I are second generation American born Greeks, our children are third, and our grandchildren are fourth. We used to celebrate Greek Independence Day on March 25th every year. We shared our Greek customs which is equivalent to the 4th of July here in the US with food, dance, and music. With only a few of us left it is difficult to put on this kind of celebration but wanted the day to be recognized for the Greek Immigrants who helped build and develop White Pine County as well as this great country. It recognizes all the Greeks that came here at one time and the few that remain. There are large celebrations held in Carson City and other big cities around the United States and it is nice to celebrate it here.

6. Councilman Spear – Councilman Alworth – Discussion Only – Update on PORTER Group efforts on behalf of the City of Ely.

Councilman Alworth stated on March 15, 2021, the PORTER Group and the City of Ely began holding regularly scheduled weekly Zoom calls that are being held in the Mayor's office. A quick recap, The American Rescue Plan, signed into law earlier this month, allocates \$350 billion to states, counties, and local governments. The City of Ely was awarded \$3,580,000.00 in total over two years under the American Rescue Plan. The funding will come from the US Treasury, and the City will get its total allocation of \$3,580,000.00 in two equal payments of \$1,790,000.00 each. The first payment will be distributed by June 11, 2021 and the second payment will come a year later. There are rules to be followed with receiving this money and the City of Ely will have until December 31, 2024 to spend its allocation. Per the text of the American Rescue Plan as enacted into law, the City may use its allocation of funding to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality; to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the non-entitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have 23 eligible workers who perform essential work, which the City of Ely is since we are under 50,000 people. There is going to be further research on how this money is spent. One important item is to make necessary investment in our large sewer and broadband infrastructure; so, I believe the City can spend all the money. We met with the PORTER Group on Monday and on Wednesday Senator Horsford changed some of the rules, but the PORTER Group representatives notified us immediately of the direction we were headed. We will use the other funding for the City's infrastructure as stated in the list that was approved on March 11, 2021 and sent to the PORTER Group.

For projects 1 and 3 on the "City of Ely Prioritized Interests Requiring Funding," the PORTER Group has identified the FY2022 appropriations process as an ideal opportunity to submit both projects to the City of Ely's federal legislators as earmark requests.

The PORTER Group and the City are working together to identify and transmit the information required for complete earmark requests for both projects, which will be formally submitted by the PORTER Group individually to the offices of all of Ely's federal legislators – this includes the offices of Congressman Steven Horsford, Senator Catherine Cortez Masto, and Senator Jacky Rosen.

For Project 2 (SNPLMA Round 19: Broadbent Park Redesign), the PORTER Group is engaging the City's federal legislators to secure their support for this initiative by soliciting letters of support from their offices that will clearly explain the City's need for this funding to the Bureau of Land Management, which is the federal agency that oversees the distribution of SNPLMA funding.

By securing this written support from the City's federal legislators, the City will be well-positioned to receive this funding in a timely manner and may then begin to utilize it in its efforts to redesign Broadbent Park.

The Ely Airport will be receiving \$9,000.00 as part of its allotment of airport relief funding signed into law in the stimulus package passed in December.

Councilman Spear stated I was a little apprehensive at the last meeting spending \$4,000.00 hiring the PORTER Group but have been very impressed with Cameron and General Herbert and feel it has been a good investment with the work they have produced and they continue to work hard for us.

City Engineer Almberg stated we can send ten requests and I am compiling information to be sent to the PORTER Group by next Friday with the importance of items that need to be done first.

City of Ely Prioritized Interests Requiring Funding

- 1. Full Completion of NDOT Ely Rehabilitation Project which includes broadband fiber installation downtown.
- 2. SNPLMA Round 19: Broadbent Park Redesign
- 3. Water and Sewer infrastructure projects recommended by the 2010 Regional Water and Sewer Preliminary Engineering Report for White Pine County.

6. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

- 1. Council Members – Public Works Supervisor Cracraft – Public Hearing – Discussion Only – Presentation of the preliminary designs of the Jack Caylor Park Southern Nevada Public Land Management Act (SNPLMA) improvement project.

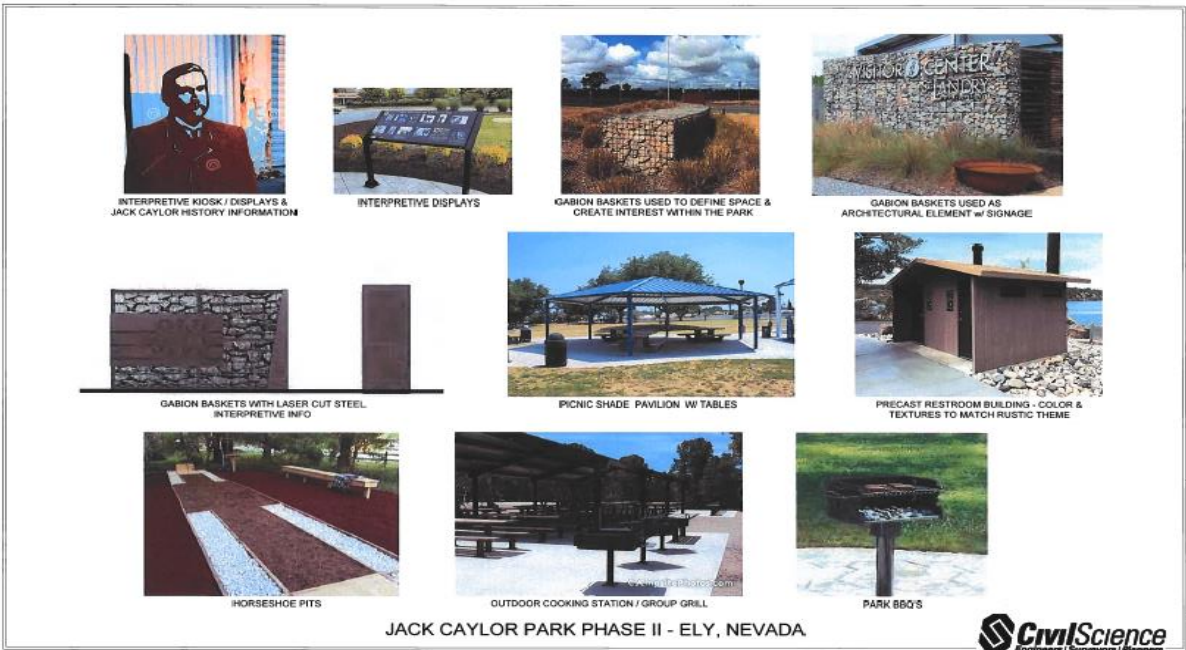
Public Works Supervisor Cracraft stated the diagram that was provided is a preliminary design of Jack Caylor Park.

JACK CAYLOR PARK - PHASE II
White Pine County - Ely Nevada - March 2021



SNPLMA Deliverables

- 1 Pre-Fab Restroom Building
- 2 Landscape & Irrigation - Sod, Shrubs & Trees
- 3 Parking Lot Improvements
- 4 Signage & Memorial Kiosk
- 5 Pavilion With Picnic Tables
- 6 Group Grill
- 7 Picnic Tables
- 8 Horseshoe Pits
- 9 Relocate Swing Sets/ New Extension of PlayGround Area



Councilman Alworth stated the bathroom will be coed due to the price of buying the prefabbed bathrooms and will there be ample lighting?

Public Works Supervisor Cracraft stated yes, there will only be one bathroom designated coed due to the cost at this time in the preliminary designing. The total amount for this project will be approximately \$500,000.00 and we are only in step two of the concept phase at this point working with the County and Civil Science Engineering.

Maureen Oltzelberger stated she is concerned with the park being located near the railroad. There needs to be a fence around the facility, so children don't go on to Avenue A when there is traffic. In the lot located next to the park there are a lot of weeds and an old boat there and teenagers are playing on it, which is a hazard. There were three neighbors on Avenue A that were not notified of the renovation of the park.

George Chachas stated regarding the SNPLMA improvements to the Jack Caylor Park, they should be dropped all together. A children's park should never be built across from a working railroad that is not fenced. Some of these improvements are encroaching on private property. On one side of the park there is an old boat parked with broken windows. Jack Caylor Park needs to be closed and the park moved back and reopened on Orson Avenue for safety reasons.

B. NEW BUSINESS

7. Councilman Alworth – Discussion/For Possible Action – Approval of comment letter on White Pine Pump Hydro Project draft environmental Visual and Aesthetic Resources Study; Preliminary Jurisdictional Determination Study; Rare, Threatened, and Endangered Wildlife Species Assessment Recreation Resources Study; Special-Status Plants and Noxious Weeds Study; and Cultural Resources Study.

Councilman Alworth stated this is a huge project and there needs to be more public hearings and workshops to keep citizens updated as the majority of the public does not know what this project is about and what the impact on Duck Creek basin will be. We represent the citizens of City of Ely, who are all stakeholders, and have the right to transparency. The last letter we sent to the Federal Energy Regulatory Commission and to the Bureau of Land Management and this one needs to be sent to the same people.

Councilwoman Beecher stated I am not a fan of sending out a letter in opposition of this project when it is clearly stated that more information is needed before any decision is made.

Councilman Alworth stated we are not opposing anything in this letter. We are stating we want more public hearings addressing the sage grouse, hiking, and biking, stating points, and asking there be more stakeholder input.

Councilwoman Beecher stated the letter states that the project will have a negative impact on the area that we live in, the beauty of the area and the wildlife when what we are asking is more public input. I do not yet have an opinion on this project.

Councilman Alworth stated if you look in the packet of the studies given in the packet, the results of these studies are not going to be reviewed until December 21, 2021. They are closing the train to move things forward and they want us to comment, but we do not have all the information.

Councilman Flangas stated he agreed with Councilman Alworth that we need more information.

Councilman Alworth stated this project will take five years to design and ten years to build and last for seventy-eight years. Seventy-eight years ago, we had no idea we would have a machine moving around on Mars and we never thought we would have electric cars. We say this project will be here in seventy-eight years; we will all be gone, but there will be a scar left at Duck Creek Basin. I have done a lot of research and this is a

popular process, but the water is usually pulled from rivers and lakes, not pumping groundwater uphill 2,800 feet building a pond in the middle of Duck Creek Basin up on top at 8,500 feet two times the size of Cave Lake. In the colder months when the water freezes what's going to happen? These are the reasons we need public comment.

Councilman Alworth moved to have the comment letter regarding White Pine Pump Hydro Project additional studies be sent to rPlus Energies, the Federal Energy Regulatory Committee (FERC), and the Bureau of Land Management (BLM) as presented.

Councilman Carson seconded the motion. The motion carried 4 to 1 with Councilwoman Beecher voting Nay.

8. Councilman Alworth – Discussion/For Possible Action – Approval of monthly balance sheets for general fund, street fund and enterprise funds.

Councilman Alworth stated he spoke with City Treasurer Trask who answered his questions.

Mayor Roberston stated I would like to add I couldn't be more impressed on how our departments are running and budgeting from two years ago and they deserve a pat on the back for their hard work.

Councilwoman Beecher moved to approve the monthly balance sheets for general fund, street fund and enterprise funds. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Councilwoman Beecher – City Fire Chief Stork – Discussion Only – Review of draft Open Burning Permit Application.

City Fire Chief Stork stated the Mayor asked me to draft something that would coincide with the new nuisance abatement resolution. I am open to input for changes. I have researched areas around Ely and have combined information for our form. I do think we should charge some sort of fee for the permit. We would not want to be doing open burns during the summer months, but more like October through March. This process will help to monitor and inspect the open burns so people are not burning tires and other items they shouldn't be burning.

Mayor Robertson stated this form will help to create a paper trail and provide better communication, so when calls come into City Hall the staff is aware of an open burn going on.

Councilman Alworth asked for clarification on number four stating regular burn hours are from sunrise until 12:00 P.M., with no visible smoke after 1:00 P.M.

City Fire Chief Stork stated the time specified for open burns is due to in the summertime that is the time the humidity starts dropping which makes the fire danger much higher. At about this time people start turning on swamp coolers and that is when complaints start coming in as smoke comes in through their swamp cooler and windows, so the time frame is to alleviate those complaints.

Councilwoman Beecher asked what would the recommended cost be?

City Fire Chief Stork stated he has checked the cost in surrounding areas, and they are anywhere between \$25.00 to \$75.00.

Councilman Alworth stated my personal thought is there should not be a charge for this permit.

City Fire Chief Stork stated the form will be distributed to City Hall and the Fire Station, so everyone is aware of when burns are happening.

City Attorney Manuele stated this item is for discussion only as we wanted to hear the feedback before it was pursued further. I will check to see if ordinance changes are needed and then the form can be put on the agenda for approval.

Councilman Alworth stated we should consider a penalty if people are not in compliance.

10. Councilwoman Beecher – City Fire Chief Stork –Discussion Only– Review of draft Fireworks Display Application and Permit.

Fire Chief Stork stated this form came about for many of the same reasons as the burn permit. We need a process in place, so we know who is doing what and be able to respond if needed. The company that provided the fireworks during Fire and Ice brought pictures of where their display would be and that was very helpful. We need to make sure those in the future doing shows specify the location, are licensed, and have liability insurance. This information is required by the Fire Marshall’s office, so it should be easy to provide to us. I don’t believe there should be a fee.

11. Councilwoman Beecher – City Fire Chief Stork – Discussion/For Possible Action – Direction to City Staff to respond to neighboring counties regarding establishing mutual aid Fire services agreements.

City Fire Chief Stork stated right now we don’t know where we stand 100%. We have agreements with the County, and they have agreements with other counties. For liability purposes, we need to have an agreement in place. If Eureka needed our services or equipment, it would be easier to have an agreement in place instead of waiting for permission to respond.

Councilman Spear stated it is a good idea to have local mutual aid agreements with neighboring counties.

Councilman Spear motioned to move forward on establishing mutual aid fire service agreements for City Staff to respond to neighboring counties when needed.
Councilwoman Beecher seconded the motion. The motion carried unanimously.

8. PUBLIC COMMENT

George Chachas stated White Pine County had a two-hour presentation on the White Pine Pumped Storage Project and many questions were answered. Mr. Chachas stated ongoing concerns regarding the rumor of an embezzlement at the Railroad; billing for his property at 490 High Street; utility billing and if staff is bonded; the alleged missing brick and pathetic inspection at his property at 570 Aultman; and past due fees and penalties from 2006 regarding the Garnet Mercantile.

9. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.

Councilman Alworth moved to adjourn the Regular meeting of the Ely City Council at **6:06 p.m.**
Councilman Spear seconded the motion. The motion carried unanimously.

MAYOR

ATTEST